

FORTY-FIFTH DAY

(Wednesday, March 27, 1963)

The Senate met at 10:00 a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word
Krueger	

Absent—Excused

Bates Hall

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Bates was granted leave of absence for today and the remainder of the week on account of the death of his law partner on motion of Senator Owen.

Senator Hall was granted leave of absence for today on account of illness on motion of Senator Word.

Reports of Standing Committees

Senator Schwartz submitted the following reports:

Austin, Texas,
March 26, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Military and Veterans Affairs, to which was referred S. B. No. 374, have had the same under consideration, and I am instructed to report it back to the

Senate with the recommendation that it do pass and be printed.

SCHWARTZ, Chairman.

Austin, Texas,
March 26, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Military and Veterans Affairs, to which was referred S. B. No. 375, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SCHWARTZ, Chairman.

Senator Ratliff submitted the following reports:

Austin, Texas,
March 26, 1963.

Hon. Preston Smith, President of the Senate.

We, your Committee on Insurance, to which was referred S. B. No. 417, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
March 26, 1963.

Hon. Preston Smith, President of the Senate.

We, your Committee on Insurance, to which was referred S. B. No. 377, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
March 26, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 419, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
March 26, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insur-

ance, to which was referred S. B. No. 414, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

RATLIFF, Chairman.

Austin, Texas,
March 26, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 250, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

RATLIFF, Chairman.

C. S. S. B. No. 250 was read the first time.

House Bill on First Reading

The following bill received from the House, was read the first time and referred to the committee indicated:

H. B. No. 267, To the Committee on Agriculture and Livestock.

Message from the House

Hall of the House of Representatives
Austin, Texas,
March 27, 1963.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 24, Authorizing acceptance by the University of Texas of certain lands in the Camp Swift Military Reservation in Bastrop County, Texas.

S. C. R. No. 33, Authorizing the Texas Department of Public Safety to expend existing appropriations to replace a district headquarters building damaged by fire.

H. B. No. 29, A bill to be entitled "An Act arranging the statutes of this state affecting savings and loan associations and their operations in appropriate chapters and Articles into a consistent whole and under a single act; defining certain terms; providing a method of forming as-

sociations; stating the powers, duties and qualifications of directors, officers and members of such associations; fixing the corporate power thereof; regulating the loans, investments and ownership of real property by such associations; providing for savings accounts and fixing rights and obligations in regard thereto; providing for the computation of earnings, transfers to loss reserves, dividends and surplus of such associations; providing for the supervision and regulation of such associations, their books and records, accounting practices, statements, reports, audits and examinations; providing for discontinuance of violations and receivership, limiting the rights of foreign associations to do business as a savings and loan association in this state; providing for conversion to federal associations, reorganization, merger, consolidation and voluntary liquidation of such associations; exempting savings accounts from securities laws; authorizing acknowledgements to be taken before members and employees of associations who are notaries public; providing for closing of places of business; permitting associations to set to avoid losses; providing for fees to be collected by savings and loan commissioner; requiring all associations authorized to conduct a savings and loan business to conform to this act; providing that outstanding shares, stock, share accounts and investment certificates (except permanent reserve fund stock) shall be considered as savings accounts; prohibiting the issuance of stock or shares not authorized by this Act; providing for ad valorem taxation of the property of such associations; permitting rule-making procedures to be instituted under certain conditions; providing hearing procedures; providing for judicial review; providing penalties for slander of an association, embezzlement, declaring greater dividends than earned, failing to comply with law, suppressing evidence and disclosures by examiners; repealing all laws in conflict herewith; providing for severability of the different articles or parts of articles so that the unconstitutionality of one or more shall not affect the remainder of the act; providing an effective date; and declaring an emergency."

H. B. No. 38, A bill to be entitled

"An Act regulating the drilling of oil and gas wells; prohibiting the drilling of a well for the purpose of taking oil or gas by starting said well on a tract of real property owned by one or more persons and directionally deviating said well from vertical so that it crosses the boundary line of said tract of real property onto another tract of real property not owned by identically the same person or persons owning the tract on which said well was started without previously obtaining a special permit from the Railroad Commission of Texas; making other provisions relating thereto; providing penalties for violation; defining the offense; and prescribing the punishment for violation; prohibiting the production of oil or gas from a well that was started on a tract of real property which was directionally deviated from vertical so that it crossed the boundary line of said tract of real property onto another tract of real property not owned by identically the same person or persons owning the tract on which said well was started, without a special permit to produce oil and gas from such deviated well having been obtained previously from the Railroad Commission of Texas; making other provisions relating thereto; providing penalties for violation; defining the offense; and prescribing the punishment for violation; requiring the owner of a well from which oil or gas is produced and the owner of an interest in said well or the land on which said well is located or the oil and gas thereunder, who is informed that said well is directionally deviated from vertical so that it crosses the boundary line of the tract of real property on which the top and surface location of said well is located, onto another tract of real property not owned by identically the same person or persons owning the tract of on which the top and surface location of said well is located and the Railroad Commission of Texas has not granted a special permit allowing the production of oil or gas from said well, to forthwith state in writing to the Railroad Commission of Texas the information and/or advice he has received that said well has been deviated; providing penalties for violation thereof; defining the offense; and prescribing punishment; and declaring an emergency."

H. B. No. 67, A bill to be entitled "An Act authorizing cities of more than ten thousand (10,000) inhabitants, according to the last preceding federal census to adopt a program whereby upon consent of any fireman or policeman a stipulated amount will be withheld from his monthly salary or wages to be forwarded to this bona fide employees association in payment of membership dues; provided penalties for violation; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk House of Representatives

House Bill 80 on Second Reading

The President laid before the Senate on its second and passage to third reading H. B. No. 80 (the bill having been read the second time on Thursday, March 21, 1963).

Question—Shall H. B. No. 80 be passed to third reading?

On motion of Senator Krueger, H. B. 80 was passed to third reading.

Record of Votes

Senator Dies, Word, Crump, Aikin, Blanchard, Strong, Spears, Moore, Patman, Hardeman and Kazen asked to be recorded as voting "Nay" on the passage of H. B. No. 80 to third reading.

Senator Kennard asked to be recorded as voting "Yea" on the passage of H. B. No. 80 to third reading.

Motion to Place House Bill 21 on Second Reading

Senator Herring asked unanimous consent to suspend the regular order of business and take up H. B. No. 21 for consideration at this time.

There was objection.

Senator Herring then moved to suspend the regular order of business and take up H. B. No. 21 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—18

Blanchard

Creighton

Crump	Moore
Dies	Owen
Harrington	Parkhouse
Hazlewood	Richter
Herring	Schwartz
Kazen	Spears
Kennard	Strong
Krueger	Watson

Nays—11

Aikin	Patman
Calhoun	Ratliff
Cole	Reagan
Colson	Rogers
Hardeman	Word
Moffett	

Absent—Excused

Bates	Hall
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House Bill 377 on Second Reading

On motion of Senator Dies and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 377, A bill to be entitled "An Act relating to the creation, administration and financing of a hospital district whose boundaries are coterminous with the boundaries of county commissioners precincts number one and two of Jasper County; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 377 on Third Reading

Senator Dies moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 377 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Herring
Blanchard	Kazen
Calhoun	Kennard
Cole	Krueger
Colson	Moffett
Creighton	Moore
Crump	Owen
Dies	Parkhouse
Hardeman	Patman
Harrington	Ratliff
Hazlewood	Reagan

Richter	Strong
Rogers	Watson
Schwartz	Word
Spears	

Absent—Excused

Bates	Hall
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word
Krueger	

Absent—Excused

Bates	Hall
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Senate Resolution 319

Senator Colson offered the following resolution:

Whereas, It has been the custom to have the photographs of the Governor, Lieutenant Governor, Senators, and Secretary of the Senate prepared in a block picture and placed in the Senate Chamber at the end of each legislative session; and

Whereas, It is the desire of the Senate to honor the children of the Members of the Senate as mascots; now, therefore, be it

Resolved, That all sons of the Members of the Senate who have not reached their fifth birthday are hereby elected mascots in the Senate, and that their pictures be included in the block picture of the Senate; and, be it further

Resolved, That all daughters of the Members of the Senate who have not reached their fifth birthday are hereby elected sweethearts of the Senate and their pictures be included in the block

picture of the Senate; and be it further

Resolved, That this Resolution shall not include the children previously named mascots or sweethearts in the Senate, and whose pictures appear on existing block picture panels of the Senate; and be it further

Resolved by the Senate of Texas, That a committee of three (3) Senators be appointed to arrange to have the photographs made of the Governor, Lieutenant Governor, Senators, Secretary of the Senate, Mascots, and Sweethearts, and that said photographs be arranged in a block panel and placed in the Senate Chamber, the expense for which to be paid out of the contingent fund of the Senate.

The resolution was read and was adopted.

The President announced the appointment of the following as a committee pursuant to the provisions of the above resolution: Senators Colson, Moffett and Word.

House Bill 300 on Second Reading

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading.

H. B. No. 300, A bill to be entitled "An Act providing a penalty for the operation of certain aircraft while intoxicated or under the influence of intoxicating liquor; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 300 on Third Reading

Senator Spears moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 300 be placed on its third reading an final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Creighton
Blanchard	Crump
Calhoun	Dies
Cole	Hardeman
Colson	Harrington

Hazlewood	Ratliff
Herring	Reagan
Kazen	Richter
Kennard	Rogers
Krueger	Schwartz
Moffett	Spears
Moore	Strong
Owen	Watson
Parkhouse	Word
Patman	

Absent—Excused

Bates	Hall
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Presentation of Guests

Senator Crump by unanimous consent presented Mrs. Alma Hamrick, local reporter for Austin, Star-Telegraph and San Angelo papers and Mrs. Nettie Scott, both of San Saba.

Motion to Place House Concurrent Resolution 22 on Second Reading

Senator Rogers asked unanimous consent to suspend the regular order of business and take up H. C. R. No. 22 for consideration at this time.

There was objection.

Senator Rogers then moved to suspend the regular order of business and take up H. C. R. No. 22 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—12

Aikin	Moffett
Calhoun	Owen
Colson	Patman
Dies	Ratliff
Hardeman	Rogers
Hazlewood	Word

Nays—17

Blanchard	Moore
Cole	Parkhouse
Creighton	Reagan
Crump	Richter
Harrington	Schwartz
Herring	Spears
Kazen	Strong
Kennard	Watson
Krueger	

Absent—Excused**Bates****Hall****Presentation of Guest**

Senator Blanchard by unanimous consent presented as guest of the Senate former member of the House of Representatives Tom Andrews of Aransas Pass.

House Bill 88 on Second Reading

Senator Reagan asked unanimous consent to suspend the regular order of business and take up H. B. No. 88 for consideration at this time.

There was objection.

Senator Reagan then moved to suspend the regular order of business and take up H. B. No. 88 for consideration at this time.

The motion prevailed by the following vote:

Yeas—23

Aikin	Parkhouse
Calhoun	Patman
Cole	Ratliff
Colson	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Kazen	Strong
Kennard	Watson
Moffett	Word
Owen	

Nays—5

Creighton	Krueger
Crump	Moore
Herring	

Absent**Blanchard****Absent—Excused****Bates****Hall**

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 88, A bill to be entitled "An Act providing a maximum speed limit in county parks and prohibiting the littering of county parks; excluding beaches from the applicability of such provisions; providing a penalty for violations; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 88 on Third Reading

Senator Reagan moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 88 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Krueger
Blanchard	Moffett
Calhoun	Moore
Cole	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Hardeman	Richter
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word

Nays—1**Rogers****Absent—Excused****Bates****Hall**

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Senate Concurrent Resolution 36
Recommitted**

On motion of Senator Watson and by unanimous consent S. C. R. No. 36 was recommitted to the Committee on Jurisprudence.

House Bill 1 on Second Reading

Senator Richter asked unanimous consent to suspend the regular order of business and take up H. B. No. 1 for consideration at this time.

There was objection.

Senator Richter then moved to suspend the regular order of business and take up H. B. No. 1 for consideration at this time.

The motion prevailed by the following vote:

Yeas—21

Aikin	Parkhouse
Blanchard	Patman
Cole	Ratliff
Colson	Reagan
Dies	Richter
Hardeman	Schwartz
Harrington	Spears
Kazen	Strong
Kennard	Watson
Moffett	Word
Owen	

Nays—7

Calhoun	Krueger
Creighton	Moore
Crump	Rogers
Herring	

Absent

Hazlewood

Absent—Excused

Bates Hall

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1, A bill to be entitled "An Act creating the Governor's Committee on Education Beyond the High School for the study of the needs of public and private education beyond the high school in this State and the formulation and recommendation of a comprehensive coordinated system of programs and facilities in education beyond the high school; setting a termination date for its work; providing for severability and declaring an emergency."

The bill was read the second time.

Question—Shall H. B. No. 1 be passed to the third reading.

Motion to Adjourn

Senator Dies moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question on the motion to adjourn. Yeas and Nays were demanded.

The motion to adjourn was lost by the following vote:

Yeas—10

Aikin	Calhoun
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Cole	Owen
Colson	Ratliff
Dies	Reagan
Moffett	Rogers

Nays—18

Blanchard	Moore
Creighton	Parkhouse
Crump	Patman
Hardeman	Richter
Harrington	Schwartz
Herring	Spears
Kazen	Strong
Kennard	Watson
Krueger	Word

Absent

Hazlewood

Absent—Excused

Bates Hall

House Bill 1 on Second Reading

The Senate resumed the consideration of the pending business, same being H. B. No. 1 on its second reading and passage to third reading.

H. B. No. 1 was then passed to third reading.

House Bill 1 on Third Reading

Senator Richter moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 1 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Blanchard	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Harrington	Richter
Hazlewood	Schwartz
Herring	Spears
Kazen	Strong
Kennard	Watson
Krueger	Word

Nays—2

Calhoun	Rogers
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Absent

Cole

Absent—Excused

Bates

Hall

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Moffett
Cole	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Harrington	Richter
Hazlewood	Schwartz
Herring	Spears
Kazen	Strong
Kennard	Watson
Krueger	Word

Nays—2

Calhoun	Rogers
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Absent

Blanchard

Absent—Excused

Bates

Hall

Motion to Adjourn

Senator Calhoun moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question on the motion to adjourn. Yeas and Nays were demanded.

The motion to adjourn was lost by the following vote:

Yeas—11

Aikin	Moffett
Calhoun	Owen
Cole	Ratliff
Colson	Rogers
Dies	Word
Hardeman	

Nays—16

Creighton	Parkhouse
Crump	Patman
Harrington	Reagan
Herring	Richter
Kazen	Schwartz
Kennard	Spears
Krueger	Strong
Moore	Watson

Absent

Blanchard

Hazlewood

Absent—Excused

Bates

Hall

Motion to Place Committee Substitute House Bill 308 on Second Reading

Senator Kennard asked unanimous consent to suspend the regular order of business and take up C. S. H. B. No. 308 for consideration at this time.

There was objection.

Senator Kennard then moved to suspend the regular order of business and take up C. S. H. B. No. 308 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—12

Aikin	Owen
Blanchard	Parkhouse
Calhoun	Patman
Hardeman	Rogers
Kennard	Schwartz
Moffett	Spears

Nays—15

Cole	Moore
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Harrington	Strong
Herring	Watson
Kazen	Word
Krueger	

Present—Not Voting

Dies

Absent

Hazlewood

Absent—Excused

Bates

Hall

Motion to Reconsider the Vote by Which H. B. 80 Passed to Third Reading

Senator Calhoun moved to reconsider the vote by which H. B. No. 80 was passed to third reading this morning (he having voted on the prevailing side).

Question—Shall the vote by which

H. B. No. 80 was passed to third reading be reconsidered?

Welcome Resolutions

S. R. No. 318 — By Senator Schwartz: Extending welcome to John Hamilton, et al.

S. R. No. 320—By Senator Spears: Extending welcome to students of Southern Cross Junior High School of San Antonio.

S. R. No. 321—By Senator Herring: Extending welcome to students and principal of Bastrop High School.

S. R. No. 322—By Senator Herring: Extending welcome to students and sponsors of Rosewood Elementary School of Austin.

S. R. No. 323—By Senator Moore: Extending welcome to students, teacher and sponsor of Marlin High School.

S. R. No. 324—By Senator Spears: Extending welcome to students and teachers of Texas Government Class of San Antonio.

S. R. No. 325—By Senator Moore: Extending welcome to students and teacher of Giddings School.

Memorial Resolution

S. R. No. 317—By Senator Watson—Memorial resolution for Robert L. (Bob) Lillard.

Adjournment

Senator Cole moved that the Senate stand adjourned until 10:00 o'clock a.m. tomorrow.

Question on the motion to adjourn, Yeas and Nays were demanded.

The motion to adjourn prevailed by the following vote:

Yeas—17

Aikin	Moffett
Blanchard	Owen
Calhoun	Parkhouse
Cole	Ratliff
Colson	Reagan
Dies	Rogers
Hardeman	Spears
Harrington	Word
Kazen	

Nays—12

Creighton	Crump
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Hazlewood	Patman
Herring	Richter
Kennard	Schwartz
Krueger	Strong
Moore	Watson

Absent—Excused

Bates	Hall
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Accordingly the Senate at 11:53 o'clock a.m. adjourned until 10:00 o'clock a.m. tomorrow.

FORTY-SIXTH DAY

(Thursday, March 28, 1963)

The Senate met at 10:00 a.m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Krueger
Blanchard	Moffett
Calhoun	Moore
Cole	Parkhouse
Colson	Patman
Crump	Ratliff
Dies	Reagan
Hall	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

Absent—Excused

Bates	Owen
Creighton	Spears

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Owen was granted leave of absence today on account of important business on motion of Senator Calhoun.

Senator Spears was granted leave absence for today on account of important business on motion of Senator Calhoun.